

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition Pursuant to 47 U.S.C. § 160 for	)	CC Docket No. 01-184
Partial Forbearance from the Commercial	)	
Mobile Radio Services Number Portability	)	
Obligation	)	

**REPLY COMMENTS  
OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (“USTA”)<sup>1</sup> hereby submits its reply comments in response to comments filed on the Verizon Wireless petition for forbearance from the Commission’s wireless local number portability (“LNP”) requirements. USTA’s response to the Verizon Wireless petition is limited to the effects that implementation of LNP by wireless carriers would have on wireline carriers. From this perspective, USTA raises several concerns that the Commission should take into consideration before ruling on the request. Based on those concerns, USTA sees merit in the Verizon Wireless petition. In addition, Verizon Wireless assured the Commission that its requested relief would not impact the ability of wireless carriers to fulfill their pooling obligations. Since the Commission has not imposed a pooling obligation on carriers outside the top 100 MSAs largely on the basis that they were not required to be

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<sup>1</sup> The United States Telecom Association, formerly the United States Telephone Association, is the nation’s oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

LNP-capable, USTA believes that it is necessary to address the differences between the relationship of LNP and pooling in a wireline environment and a wireless environment, and why the basis for not imposing a pooling requirement on wireline carriers outside the top 100 MSAs remains valid.

**I. Wireless local number portability would create adverse effects on wireline carriers.**

The petition and several comments focused on the burdens that the wireless carriers would have to endure if the Verizon Wireless petition for forbearance is not granted and the wireless carriers are forced to implement LNP. Forbearance in this instance would also avoid imposing additional burdens on wireline carriers. Specifically, they relate to technical problems emanating from the fact that wireline and wireless carriers have different rate centers and to additional costs that all wireline carriers would incur from porting numbers to or from wireless carriers.

The rate center problem has been identified and explained in three reports developed by the Local Number Portability Working Group under the auspices of the North American Numbering Council (“NANC”), all of which have been forwarded to the Commission.<sup>2</sup> In these reports, significant technical hurdles associated with porting from a wireless carrier to a wireline carrier have been identified, particularly relating to the ability of the wireline carrier to properly rate calls to and from “ported in” customers with telephone numbers originally assigned by wireless carriers. The problem exists because

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<sup>2</sup> Local Number Portability Administration Working Group, *Report on Wireless Wireline Integration*, May 8, 1998; Local Number Portability Administration Working Group, *2<sup>nd</sup> Report on Wireless Wireline Integration*, June 30, 1999; Local Number Portability Administration Working Group, *3<sup>rd</sup> Report on Wireless Wireline Integration*, September 20, 2000.

the rate centers associated with telephone numbers assigned to wireless customers almost always encompass a larger geographic area than the wireline carriers' rate centers.

When a customer ports to a wireline carrier using a number originally assigned to the customer by a wireless carrier, the wireline carrier must enter the NPA-NXX combination into its operations system in order to determine the rating of calls in accordance with the specific wireline rate center where the customer resides. In this first instance, the rating of calls to and from the customer is quite likely to be different from that which prevailed when the customer obtained service from the "ported from" wireless carrier. This major disparity becomes completely unmanageable when a second customer that has been issued a number in the same wireless NPA-NXX as the first customer ports to the same wireless carrier, but resides in a location which is in a different wireline rate center than the first customer. Wireline carriers rate calls using the NPA-NXX of the customer's telephone number, and in the case of these two customers, the wireline carrier may have an obligation to rate toll calls differently, as well as administer local calling plans which are dependent on the rate center in which the customer is located.<sup>3</sup>

Therefore, the porting in of two wireless customers with the same NPA-NXX, located in different rate centers, makes it impossible for the local exchange carrier to rate calls in accordance with its tariffs.

This demonstrates that implementation of LNP by wireless carriers would create a disincentive for wireless customers to port their numbers to a wireline service. The only way the wireline carrier would be able to properly rate calls in this situation would be to require that "ported in" customers change telephone numbers. No such disincentive

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<sup>3</sup> Note that LNP provides the opportunity to route on a ten-digit telephone number, but there is no equivalent resource on which to determine the rating of a call.

would exist for wireline customers to port their numbers to a wireless service. Customers porting from wireline service to wireless would have larger calling areas after being ported. This would constitute a competitively disparate situation in favor of the wireless carriers, which would violate the competitive neutrality directive of Section 251(e) of the Communications Act of 1934, as amended.<sup>4</sup>

Another problem that all wireline carriers would experience involves the additional costs related to implementation of the ability to port numbers to and from wireless carriers. First, expanded operations capabilities would have to be deployed in order to handle the porting to and from wireless carriers. Second, additional administrative charges from the regional Number Portability Administration Centers (“NPACs”) would be incurred by all wireline carriers, regardless of whether they serve the top 100 MSAs or not. None of these significant financial burdens would yield sufficient public benefits to warrant their imposition.

USTA believes that the difficulties enumerated above are significant and should be persuasive when the Commission considers the Verizon Wireless petition. Regardless of the action taken on that petition, USTA again urges the Commission to recognize that all carriers incur costs related to LNP and that an adequate cost recovery mechanism must be put in place for all carriers, including those that are not LNP-capable, to recover their costs.<sup>5</sup>

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<sup>4</sup> 47 U.S.C. § 251(e).

<sup>5</sup> See Petition for Expedited Interim Waiver filed by the National Exchange Carrier Association, Inc., National Rural Telecom Association, National Telephone Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, and USTA, CC Docket No. 95-116, filed March 19, 1999.

**II. Significant differences exist between the relationship of providing local number portability and pooling by wireless and wireline carriers.**

Verizon Wireless seeks relief from the LNP requirements for wireless carriers, but not from thousand block number pooling obligations. In furtherance of its request, Verizon Wireless disputes the Commission's "assumption" that wireless carrier provision of LNP is a prerequisite for pooling. Rather, it claims that the correct link between the implementation of pooling and the provisioning of LNP for wireless carriers is Location Routing Number ("LRN") network architecture, rather than LNP itself.<sup>6</sup> To substantiate this difference, Verizon Wireless sets forth the operational requirements and other steps a wireless carrier must comply with in order to become capable of providing pooling and then the additional steps required for a wireless carrier to implement LNP.<sup>7</sup>

In comments, several state interests expressed concern that grant of the requested relief for wireless carriers would discriminate against wireline carriers that have already expended substantial sums to implement both LNP and pooling.<sup>8</sup> In addition, the Commission has required only those carriers that are LNP capable to comply with thousand block pooling requirements. In so doing, the Commission has recognized that "LNP capability is already mandated in the areas where number usage is likely to be the highest" and that "the benefits of pooling can potentially affect a large number of areas and consumers."<sup>9</sup> In response to an issue raised in the Commission's *Second Further*

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<sup>6</sup> Verizon Wireless Petition at 9-10.

<sup>7</sup> *Id.* at Appendix.

<sup>8</sup> See Comments of the California Public Utilities Commission and of the People of the State of California at 23, Comments of the State Coordination Group at 10.

<sup>9</sup> *Report and Order and Further Notice of Proposed Rule Making*, CC Docket No. 99-200, 15 FCC Rcd 7574 at 7627 (2000) ("*First Report and Order*").

*Notice of Proposed Rulemaking* in CC Docket No. 99-200<sup>10</sup> whether pooling requirements should be expanded to non-LNP capable carriers, USTA opposed any such expansion.<sup>11</sup> In support of its position, USTA pointed out that an expansion to include all carriers would have a particularly adverse effect on rural carriers and would impose significant financial and other burdens on those carriers.

It must be emphasized that only carriers operating with common rate centers may pool with each other. In areas where no competition is present, there is no other carrier with which the incumbent carrier may pool. Therefore, an overall requirement to deploy LNP with the objective of pooling is a burden without a public benefit. In the case of wireless carriers, they may significantly benefit from sharing resources in a pooling environment, because they can all conform to a common rate center structure, and have considerable freedom in how they manage their obligations in relationship to their rate structures.

Therefore, Verizon Wireless' differentiation between the requirements for wireless carrier provision of LNP and pooling is unique to wireless carriers and has no implications for conditions that apply to wireline carriers.

### **III. Conclusion**

From a wireline perspective, USTA supports the Verizon Wireless petition for forbearance from local number portability requirements for wireless carriers, for the reasons stated herein. USTA also distinguishes between the technical requirements of

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<sup>10</sup> 16 FCC Rcd 306 (2001).

<sup>11</sup> Comments of USTA, filed February 14, 2001, at 4-5.

providing local number portability and thousand block pooling by wireline and wireless carriers.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By\_\_\_\_\_

*Its Attorneys:*

Lawrence E. Sarjeant  
Linda L. Kent  
Keith Townsend  
John W. Hunter  
Julie E. Rones

1401 H Street, N.W.  
Suite 600  
Washington, D.C. 20005  
(202) 326-7375

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